

32. A

# REMONSTRANCE

OF SOME

## Fallacies and Mistakes,

Whereof the

### INFORMERS

Who have hitherto attempted against

THE

### HOUSE

OF THE

# STILLYARD,

Suppressing the Truth, and by False Suggestions deceiving at once those who do not heed, and those who are ignorant of the Matter, or at least those who are too credulous, have made use of.

WITH

Particular ANSWERS to all, and a Conclusion and Petition on every Point.

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L O N D O N :

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REMONSTRANCE  
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Fallacies and Mistakes,

Whereof the *Informers* who have hitherto attempted against the House of the *Stillyard*, suppressing the Truth, and by false Suggestions deceiving at once those who do not heed, and those who are ignorant of the Matter, or at least those who are too credulous, have made use of.

With particular ANSWERS to all, and a Conclusion and Petition on every Point.

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*The First Fallacy.*

**T**hey oftentimes pretend, and almost every where lay it for a ground, That the Right and Priviledges of the *Stillyard* have no other foundation but the meer Grace of the Kings in former Ages, not so well regarding the Interest of the People; and therefore any time easily revocable.

But this is a mistake, As if the *Hanse-Towns* had obtained these Rights through the meer Grace of the Kings; for they profess to have merited the same,

- 1 By Supplies and Aids at their great Expences, in former Ages administred to *England*, against the French and other Enemies.
- 2 By many valiant Conflicts for the *English*, and suppressing of their Enemies.

3 In lieu of Damages unjustly in former times sustained by the *English*.

Of and for all which *England* having in those times confessed it self unable to make Payment and Reparation, these Rights obtained the place of a Debt.

And this is most evident, and in exprefs words from the Agreements and Conventions of *Henry* the Third, the Treaty of *Utrecht* with *Edward* the Fourth, and many other Publick Writings, the Originals whereof are kept amongst the Records of the *Hanfes* in their Chamber of *Lnbeck*.

Hence it followeth,

- 1 That it is not true, That (as the *Informers* ever and anon assert) any of these Rights come to the *Hanse-Cities* to the prejudice and against the benefit of the people of *England*.
- 2 But on the contrary it is most true, That these Rights and Agreements are Obligatory on both sides.
- 3 And that indeed for ever; for as much as the Causes thereof are mutual, and oblige reciprocally.
- 4 And therefore cannot be revoked at the pleasure, or for the advantage of the one party, the other not consenting, without breach of that Law which is between Nation and Nation; no more then Goods once sold and delivered, can be recovered or claimed back by the Seller.
- 5 And although even the said Cities should consent to such Revocation, yet unless first Restitution and Reparation were made unto them of and for those Expences and Services, by which Ancient Merits they obtained these Rights, and of the Damages by them sustained, it were not just to deprive them thereof. And then they ought to be refunded,
  - 1 Of those Auxilliary and Warlike Charges expended for the benefit of *England*, together with the Interest of Four hundred years.
  - 2 Satisfaction ought to be given for the Services they did in those times of War.
  - 3 The Damages ought to be repaired which were sustained by the *Hanfes* so long since, with Interest for so long time past. Which Damages alone, even as they then were confessed and calculated by the Parliament now above Two hundred years past, did exceed the sum of 200000*l*.

200000 l *Sterling*. From which it may be easily apprehended to what vast sum of Debt the whole would amount, if all three, together with the accruing Interest, were to these times exactly computed.

- 6 And therefore they having for so many Ages past borne the Adventure of so high an Obligation, and the *Hanse-Cities* still not esteeming the same so much as they do the Amity and Mutual Correspondence of *England*; they think it equal that they should be so much the more reciprocally favored, and their Privileges cherished, maintained, and by all good means augmented.
- 7 Much less befitting would it be for no Default or Crime on their part, without recompence for so many Services and Expences, and that also upon false and frivolous Suggestions against the Laws of Amity, to cast them out either of their Possession, or those Liberties, Exemption from Taxes, and other their Rights by them obtained in perpetuity, as some *Informers* do endeavor to despoil them.

### *The Second Fallacy.*

AS often as these Men discourse of the first Rise, Title, and Authority, by which the *Hanse-Cities* possess the *Stillyard*; they speak as if they had obtained the same without the knowledge, and against the consent of the people; and therefore they mention only the Kings Grants, but omit those of the Parliaments: And this to no other end, but to traduce and render the more odious their whole Right before the people, and those of the generality and all others, who are unversed in and ignorant of the Verity of their Case. Whereas indeed,

- 1 The Kings alone in their Private were not the sole Authors of these their Rights, but the same were also publicly seen, considered, approved, solemnly ratified and confirmed by the Parliaments: Of which Ratifications, the several Originals, together with the Kings Letters Patents, are to be found among the Records of the said *Hanses*.
- 2 As moreover in the same are Extant in Authentick Form, some Solemn Acts of the City of *London*, acknowledging and accepting the same Rights and Privileges.

From

From hence it followeth,

- 1 That it is not true which the *Informers* feign, as if our Right did depend upon the sole authority and grant of the Kings.
- 2 But it is much less true, That the same were obtained without consent of the People; being the People is, and always will be representatively in the Parliaments.
- 3 That it is most untrue (as sometimes it is suggested) as if the same had been obtained by any sordid or unlawful means; yea the Opposers of our Rights (when at any time there have been such) by abusing the lenitie of the Kings, have indeed rather prevailed in whatsoever they obtained against us in former times, by sinister diversions of their grace and favor: And therefore the same having been detected, they have failed in their attempts, and hitherto our right hath remained entire.
- 4 Hence it appeareth, That our Right by the accession of the authority of Parliament is altogether become irrevocable: For as the People can never die, but that the People is alwaies judged to be the same, so also Parliaments meeting in the place of the People, do always represent the same and one Parliament. Wherefore however a lawful Parliament may abrogate the Acts of Kings, yet nevertheless it cannot revoke the Acts of a Parliament alike equally lawful; Forasmuch as *Par in parem non habeat imperium*; And it is to be believed they will not, as neither being consistent with the Commonweal, nor that one Parliament will easily do that to their predecessors, which it would not have done to it self by their successors.

### *The Third Fallacy.*

**B**UT it is said, That all their Rights were granted under certain conditions and for some certain end, amongst which principally was the Exportation of English Clothes in such abundance, as the whole Nation should be sensible of the benefit thereof.

But that now no Clothes are any more exported by the *Hanfes*, but that this Trade is reduced to the Merchants-Adventurers, and that they oftentimes in one year have exported more then double the number which the *Hanfes* formerly exported in two or three years; And therefore the Condition and End ceasing, those Rights also ought to cease.

But,

But, 1 As to what concerns *England*, the benefit of the Trade of Clothing was not the sole condition or cause of the *Hances* Right, but rather alone, that the Nation of *England* should be discharged of a vast Debt wherein it was obliged to the *Hances*; And at that time it was to them a great advantage, that the *Hanse-Cities* would in satisfaction of this Debt rather accept some Rights and Priviledges for so great a Sum of money, which otherwise *England* was obliged to pay them.

2 So as there was not only regard had to the benefits which in future times *England* might reap by these Priviledges, but this principally was intended, that the *Hances* in the the coemption and exportation of Clothes should for ever enjoy a prerogative above other Nations, and that for their known merits and the damages by them sustained.

3 But moreover to clear this point, to what end or on what condition this was contracted, if it were so, it ought to have been expressed in the Convention it self, being otherwise there might be many accessory Ends assigned of one and the same thing; Neither can every Condition have the force of a Resolutive Agreement, but that alone which is so especially inserted in the Contract, that the same ceasing, the Contract may be understood dissolved, or such as was the sole and only cause of the Contract.

4 And this is worthy to be observed, That it is not to be imputed to the *Hances*, that they have not hitherto continued in the Exportation of Clothes. And no man, without it be by his own default, ought to be punished.

Hence it followeth,

1 Being the *Hances* have obtained their Right by a very hard and chargeable Title, the same ought to remain unto them for ever and irrevocable.

2 Nor can the same be revoked or altered by a Condition however extrinick and necessary.

3 As likewise neither one other accessory End ceasing.

4 Much less for any cause of private benefit.

5 Being it is neither lawful naturally, to recede from such a Contract on one party in respect of his own advantage against the consent of the other party, who especially is so much damnified.

6 And therefore these *Informers* go to work frivolously, whilst by such fallacies they seek to mislead the improvident and heedless.

### *The Fourth Fallacy---*

**I**S almost of the same stuff as the former. They would have it be believed, that all the Right of the *Hanfes*, and so their Right to the House of the *Stillyard* are become void, because forsooth the Corporation it self, (that is) the Body and Subject upon which that Right was conferred, is no more a Corporation: And so the Commerce of the said House ceasing, being intended for the Advantage of *England*, the Right it self should withal cease.

But,

- 1 It is before shewn, that the *Hanfes* did not obtain the possession of the *Stillyard*, for this cause of Advantage to *England* only.
- 2 Neither that as it may be advantagious or profitable to one Party, a Contract can be presently rescinded or dissolved.
- 3 The objection it self, if it relate to the *Hanse-Cities* themselves, is manifestly false: For who can be ignorant, that the Confederation of the *Hanfes* between these principal Cities, viz. *Lubeck, Breme, Hamburgh, Brunswick, Colen, Munster, &c.* doth not continue to this day? nor ever to have been extinguished: although of seventy two Cities (of which antiently they consisted) many, because of their decayed and weak estate, have withdrawn themselves, and others through their own default have been excluded the Society: There is nothing more certain then that hitherto they observe their Conventions, and jointly send forth their Ambassadors; and that in the publick Constitutions of *Germany*, as well antient as modern, they have an honorable place; and in *France, Spain, Sweden, Denmark, Mosco, Poland*, and the *Netherlands*, they both are acknowledged under their common Denomination, and also enjoy their Rights as a Body Confederate. But if this reflect on the Merchants residing in the House of the *Stillyard*, How can it be that their paucitie, and any act of theirs, can be any argument that the House it self should be taken from the *Hanse-Cities*?

Being,

- 1 That those Merchants are not the Proprietors of the said House, but the said Cities.
- 2 Nor if they were, have we hitherto ever heard it proved, that as yet they have committed or done any thing worthy to deprive them of this Right in Law.
- 3 And although they had committed any thing against the Law, yet, *Pœna suos tenere debet Autores.*
- 4 And for their small Number, this also hath not come to pass through their own fault; For the truth is, that they have by little and little been so discouraged by the *English*, that the rest have given place.
- 5 The *Informers* themselves use this for one principal Argument; *Strangers are to be restrained of the English Commerce.* But these are contraries, both to require and plainly to intend the exterminating of Foreign Merchants, and yet at the same time to punish ours by taking away their Rights for this cause, that being reduced to such a paucity, they do not exercise Trade here in greater number. This certainly is against all reason of Natural Justice, that he who for the benefit of another hath relinquished part of his Right, should be deprived of all the rest for this onely cause, That he hath relinquished a part.
- 6 And lastly it is a Rule in Natural Reason, That a Colledge or Corporation which had its beginning in many, may yet be conserved in three or two persons.

Hence it followeth,

- 1 That it is plainly false and contrary to the most evident truth of the matter which is suggested, either of the taking away or of the ceasing of this Corporation.
- 2 That it is not the question, What profit at this day the House of the *Stillyard* contributeth either publickly or privately to *England*, (for before the invalidity of this Argument is demonstrated) but whether the *Hanse-Cities* for their own benefit will, and yet may enjoy the same to their own commodity.
- 3 That even three or two, yea one Merchant in the name of the *Hanse-Society*, doth conserve the right of the *Hanses*.
- 4 That the Delinquencies of any single person (if any such can be proved) do not prejudice the *Hanses*, but reacheth alone the Authors,



- That the Actions of single persons are to be distinguished from the Cause of an whole Society.
- 6 And therefore these *Informers* both deceive themselves, and also would impose on the Parliament and people of *England*, so often as they make use of this argument to impeach the Rights of the *Hanse-Cities* in the House of the *Stillyard*.

### *The Fifth Fallacy---*

**I**S the common benefit to this Commonwealth of *England* and the people, whilst they say the Revenue would be augmented yearly Two thousand pounds sterling, if the House of the *Stillyard* were seized: By which specious insinuation they not only deceive the incautelous, but seek to set the mouth of the people on water and to excite them against the *Hanses*.

But,

- 1 It is before made appear, that between those who are equal in right, no Right can be taken away from the one party for any consideration of the commodity or profit of the other party.
- 2 And what Reason did ever justify this for a Law, That it should be lawful for me to take away that from another, which he possesseth by a Right obtained in perpetuity?
- 3 Also what profit can accrue by that which not only is repugnant to the Rules of Honesty, but also would be prejudicial to the glory and renown of the English Nation?
- 4 But yet this also by which they plainly insinuate the Publick Revenue to be impaired through the House of the *Stillyard*, and from which they make up the accompt of Two thousand pounds sterl. *per annum*, hath never hitherto been proved, and is of it self evidently false.
- 5 It is to be believed, that whatever profit from hence may be gained, is rather aimed at by some private Persons, to their own Lucre, then for any intent to advance the Publick good.
- 6 If any publick benefit ought to be in this case aimed at, the most Renowned Parliament in their great wisdom, will rather judge and discern this point, Whether it were better for so small and indeed unjust and inconsiderable a gain ( for such a sum would no more add to the increase of the Treasury of *England*, then the smallest drop of water would to the British

CITY

Ocean) by meer Power to take away the Rights of the *Hanse-Cities* with the hazard of the antient Amity and neighbouring *German Commerce*, ( for all the *Maratine Commerce* of *Germany* is for the most part in those Cities ) or rather not to preserve intire the Amity, and the Rights and intercourse of Trade of above 400 years, not to say, to augment the same, which yet might be done to the great and mutual benefit of both parties.

Hence it followeth,

- 1 That it is a deceit and a meer empty preteſt, whatever is in this Argument speciously insinuated, concerning publick profit.
- 2 That on the other side it is more expedient, and for the Interest of *England*, that the Right of the *Hanses* should be preserved, yet augmented.

### *The Sixth Fallacy---*

**I**S, that some deceased Kings have before this taken possession of the House of the *Stillyard*, and that therefore the present possession of the *Hanse-Cities*, as afterwards obtained by force and intrusion, is unlawfull and unjust.

But,

- 1 Here is manifest false dealing, whilst the Publick Acts are neither *bona fide*, nor fully alleadged, for they set forth the beginning of the Fact, but the defences and issue of the matter they wholly omit. They by peeces suggest that which one or other King, upon importune Petitions perhaps, before the Cause was fully examined, did resolve to doe; They smother and take no notice of what followed thereupon, what resolutions after hearing of the Cause and discovery of the Injustice of those Petitions finally issued, and how this Cause suppressing all process at the Common Law, was always remitted to special Conventions, Conferences and Amicable Treaties.
- 2 But yet it never came to that point, that in the time of any King or Queen, the *Hanses* were ever ejected out of their possession.
- 3 For that the Queen did attempt to possess the House of the *Stillyard*, it was not long; for still and nevertheless the Cities did remain in continual and perpetual, as well Natural as Civil possession, which the Fact it self proveth, and is known to the whole World.

Hence it followeth,

- 1 It is false'y and absurdly asserted, That the *Stillyard* having been formerly seised by the Kings, is devolved to the Demains of this Commonwealth, and at this day so remains.
- 2 It is also a fable, that the *Hanses* Repossession is by force and Intrusion.
- 3 For how probable is it, that a few Merchants of the *Stillyard* could repossess themselves by force and intrusion of any Estate in the face of Kings against their will, and particularly in opposition to Queen *Elizabeth*, or against the Parliaments, the City of *London* looking on and being Spectators? What force, what Intrusion could defend them against these Kings, Queen and Parliaments?
- 4 The *Hanse-Cities* therefore have remained alwaies, and are at this day in lawful, perpetual and continued possession of this House: Lawful, because obtained from the beginning upon more then valuable consideration, and a most chargeable Title; perpetual, because continued; continued, because never interrupted.

### *The Seventh Fallacy.*

**T**HAT this Cause is the Cause of the Revenue and Demain of the Commonwealth of *England*; that therefore of such Causes the Barons of the *Exchequer* are competent Judges.

But,

- 1 Every cause whereby every Possession and Right is pretended to be in the Demain of the Commonwealth, doth not appertain to those Judges, but only in Cases where the Action lies against either the Subjects of *England*, or any private Stranger usurping against the Right of the Commonwealth: For these, because they are subject to the Courts and Ordinary Judicatures of this Commonwealth, are rightly there convented; but this is not the Case of the *Hanse-Society*, which being as to Commerce absolutely free and at its own arbitrement, whatsoever is contracted is transacted as with a free Foreign people; so that the Confederacies, Pactions and Conventions made with them, and all Rights thereby obtained, cannot be brought before the ordinary Judicatories of *England*.

2. Otherwise it would follow from this Principle, That the Alliances and Contracts of all Kings and Republicks with this Commonwealth might be questioned in the same, and that all Foreign Nations hitherto have been bound to submit themselves unto these Judicatories; which can with no more Equity be done against Foreign Nations, then the People of *England* would think it just that the same were done to them abroad.
- 3 But moreover, these which are called the *Hanse-Priviledges*, are meer Contracts between this Commonwealth and those Cities; and therefore if any difference do arise about the same, the Controversie ought to be determined, not by the Private Judicatory of any one Party, but by Commissioners of both Nations.

### *The Eighth Fallacy.*

**L**Astly, They conceive that the House of the *Stillyard* may be with good reason taken away, because the *Hanse-Cities* have planted other Residences of their Commerce, in *Norway, Moscovia, &c.*

But it is grounded upon no Reason; For when their Ancestors obtained these Priviledges of *England*, they were not limited for their Commerce to *England* alone, nor by any other condition were prohibited to Traffick any where else; yea, never any King or Parliament ever required, that they should not Traffick in any other place but *England*: And to say no more, These objections can no better be confuted, then by the notoriety of the fact, by which it is evident, That for above Three hundred years past, the *Hanses* have constantly exercised their Commerce in the said Countreys; and yet nevertheless, in the mean time enjoyed their Trade in *England*, with all Rights depending thereupon.

From all which, it is concluded,

- 1 That the pretences of the *Informers* are unjust against the *Still-yard*, by which they seek to invade without just cause, a Right due to another, against that most general Law of all others, *Qua tibi non vis fieri, alteri ne feceris*; contrary to Christian Charity, and repugnant even to the Laws of *England*, which never deviate from the Laws of God and Nature.

And therefore their Arguments ought not to be heard, but rejected.

3 Yea to be esteemed as prejudicial and derogatory to the Honor of the English Nation; whilst they are so bold under the false Representation of a small lure of Two thousand pounds *per an.* to violate an Amity of Four Ages, the intercourse of the Commerce of all *Germany* almost, and especially the Faith and Constancy of so many Treaties and Agreements: Not at all observing (to omit many other) how much benefit the people of *England* have thence reaped within few years past, in their great necessitie, by the supply alone of all manner of Corn; and how much *Hamburg* to this day, and *Lubeck* now lately have accommodated this Nation, by permitting them liberty to pass their Commodities and Merchandises by their Ports.

4 And on the other side; That the *Hanse-Cities* ought without any violation be left peaceably in their Possession and Right.

5 And that no Man ought to be permitted to make any attempts in prejudice thereof.

6 Which if the Affair be rightly esteemed, will be both glorious to the *English* Nation, and also as to the Publick of very great advantage and benefit.

And therefore I do in the name of the said Cities, and the whole Society of the Confederate *Hanses* pray,

1 **T**hat such Informations, and the like attempts against the manifest and known Rights of the *Stillyard*, may be altogether rejected and suppressed.

2 That if any Question do arise touching the said House, or the Rights thereof, the same may according to the Custom of Nations, and as hitherto hath been observed between *England* and the said *Hanse-Cities*, be reserved and referred to amicable Treaty between this Commonwealth and the said Cities.

3 That all things in the interim may remain intire and inviolate, and in particular, That the Exemption from Taxes, both Real and Personal, which the Inhabitants of the *Stillyard* have hitherto enjoyed, may be preserved unto them without any breach, according to the Antient Priviledges.

4 And lastly, That the Freedom of Trade throughout the  
Dominions of *England*, as hitherto, so also for the future,  
without any Restriction, may peaceably be permitted to the  
said *Hanse-Merchants*, as well for the preservation as aug-  
mentation of mutual Commerce between the People of  
*England* and *Germany*.

LONDON,

3 August,  
1659.

*Martin Boeckell*

Counsellor to the Commonwealth  
of *Lubeck*, and Special Envoy of  
the Society of the *Hanse-Cities*.

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FINIS.

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